

TWIN FALLS, WEDNESDAY, AUGUST 29, 2012 AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

INDIAN SPRINGS, LLC,

Plaintiff-Respondent,

V.

**TERRY W. ANDERSEN and ROSANNA
ANDERSEN, husband and wife,**

Defendants-Appellants,

Docket No. 38369

Appeal from the District Court of the Sixth Judicial District, State of Idaho,
Power County. Hon. Stephen S. Dunn, District Judge.

Racine, Olson, Nye, Budge & Bailey, Chtd., for plaintiff.

Terry W. Andersen and Rosanna Andersen, pro se appellants.

Terry and Rosanna Andersen appeal an ejectment order of the district court initiated by Indian Springs, LLC. The Andersens also appeal the district court's dismissal of their counterclaim for unjust enrichment brought against Indian Springs. These claims are subsequent to a successful foreclosure action brought by Indian Springs that was affirmed by the Idaho Supreme Court in *Indian Springs, LLC v. Indian Springs Land Inv., LLC*, 147 Idaho 737, 215 P.3d 457 (2009).

The Andersens allege on appeal that the district court abused its discretion when making both of its determinations. They contend that Indian Springs did not possess title to the real property, and thus cannot eject the Andersens. They also argue that Indian Springs was unjustly enriched when they took title to the property after the foreclosure. For this latter argument, the Andersens contend that when Indian Springs acquired the Andersens' mortgage from a third party, they also acquired all of that party's liabilities—including the Andersens' unjust enrichment claim. Finally, the Andersens also argue that in making its determinations, the district court exhibited bias. The Andersens allege that district court judge exhibited bias by previously being a mediator in a related case, by giving advice to Indian Springs' attorney from the bench, by not sanctioning the owner of Indian Springs, and by engaging in ex parte communication.

Indian Springs rejects the Andersens' arguments and requests that this Court affirm the ejectment order and the dismissal of the counterclaim.

TWIN FALLS, WEDNESDAY, AUGUST 29, 2012 AT 10:00 AM

IN THE SUPREME COURT OF THE STATE OF IDAHO

CHRISTINA BROOKSBY,

Plaintiff-Appellant,

v.

Docket No. 38761

**GEICO GENERAL INSURANCE
COMPANY,**

Defendant-Respondent.

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bonneville County. Hon. Dane H. Watkins, District Judge.

Gordon Law Firm, Inc., Idaho Falls, for appellant.

Duke, Scanlan and Hall, PLLC., Boise, for respondent.

This appeal stems from the district court's grant of Respondent, GEICO General Insurance Company's Motion to Dismiss pursuant to Idaho Rule of Civil Procedure 12(b)(6) for lack of standing. Appellant, Christina Brooksby, was injured in a single-vehicle automobile accident. Christina's father, Craig Brooksby, was driving when he suddenly lost control of the vehicle. Christina made a claim against her father's insurance carrier, GEICO, for the injuries she suffered as a result of the accident. GEICO denied the claim based on a household exclusion clause because Christina was living with her father at the time of the accident. Christina filed a Complaint against GEICO seeking declaratory judgment to resolve the coverage dispute. The district court dismissed the case under Idaho Rule of Civil Procedure 12(b)(6), finding that Christina failed to assert a contractual or statutory right to maintain a direct action against GEICO. On appeal to this Court, Christina argues that the district court erred in granting GEICO's Motion to Dismiss.

TWIN FALLS, WEDNESDAY, AUGUST 29, 2012 AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**HOBSON FABRICATING CORP., an
Idaho corporation,**

Plaintiff-Appellant,

v.

**SE/Z CONSTRUCTION, LLC, an
Idaho limited liability company,**

**Defendant-Cross Claimant-
Counter**

Cross Defendant-Appellant,

and

**STATE OF IDAHO, acting by and
through its DEPARTMENT OF
ADMINISTRATION, Division of
Public Works,**

**Defendant-Cross Defendant-
Counter**

Cross Claimant-Respondent.

Docket No. 38202/38216

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Ronald J. Wilper, District Judge.

Cosho, Humphrey LLP, Boise, for appellant Hobson Fabricating Corp.

Racine, Olson, Nye, Budge & Bailey, Pocatello, for appellant SE/Z Construction, LLC.

Farley, Oberrecht, West, Harwood & Burke, PA, Boise, for respondent.

Appellants Hobson Fabricating Corp. (Hobson) and SE/Z Construction, LLC (SE/Z) appeal the district court's decision in their case against the State of Idaho, Department of

Administration, Division of Public Works (DPW) regarding costs and attorney fees. Prior to the district court's decision, the parties had settled all of their claims but for costs and attorney fees. The district court declared that each party was to bear their own costs and fees as it found that all parties had prevailed in part. Hobson and SE/Z appeal the decision, arguing that the district court abused its discretion and should have found that they were the overall prevailing party because they had received the only monetary award in the case, won on most of the claims at issue, and were able to defeat all of DPW's cross-claims. Hobson and SE/Z also argue that the district court should have applied I.C. § 12-117(1), and alternatively, 12-117(2), for an award of attorney fees.